

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IDA AYERS,

Plaintiff,

CASE NUMBER: 10-12857

HONORABLE VICTORIA A. ROBERTS

v.

FLAGSTAR BANK, et al,

Defendants.

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**ORDER DENYING MOTION FOR RECONSIDERATION**

This matter is before the Court on Plaintiff's second Motion for Reconsideration. (Doc. 21). Because Plaintiff includes new allegations in this motion, which Plaintiff calls an amended complaint, the Court also construes it as a Motion to Amend.

On July 20, 2010, *pro se* Plaintiff Ida Ayers filed suit against seven Defendants, including the Michigan State Housing Development Authority (MSHDA). Plaintiff's claims center around the alleged wrongful foreclosure and auction of her home. Plaintiff alleges that certain Defendants fraudulently misrepresented the property as a legitimate foreclosure, and MSHDA, relying on these fraudulent misrepresentations, purchased it.

On September 15, 2010, MSHDA filed a motion to dismiss pursuant to Rules 12(b)(1) and 12(b)(6), claiming that it was immune from suit and that Plaintiff failed to state a claim against it. Plaintiff did not respond. On November 15, 2010, the Court granted MSHDA's motion. (Doc. 13).

On November 29, 2010, Plaintiff asked the Court to reconsider this dismissal,

and moved to amend her Complaint. The Court denied both motions because MSHDA is a state agency entitled to sovereign immunity and the amendments were futile.

Plaintiff again asks the Court to reconsider the dismissal of MSHDA, and to allow her to amend the Complaint. The Court declines to do so. Even liberally construed, Plaintiff fails to state any new allegations or arguments which change the outcome of the Court's prior rulings. Moreover, a motion for reconsideration that presents "the same issues ruled upon by the court, either expressly or by reasonable implication," will not be granted. E.D. Mich. LR 7.1(h)(3). The Court finds no reason to reconsider its finding that MSHDA is a state agency entitled to sovereign immunity. See *Morris v. Dehaan*, 944 F.2d 905 (6th Cir. 1991) (holding district court properly dismissed claims against MSHDA based on 11th Amendment immunity).

Plaintiff's Motion for Reconsideration is **DENIED**.

Plaintiff's Motion to Amend is **DENIED**.

**IT IS ORDERED.**

s/Victoria A. Roberts  
Victoria A. Roberts  
United States District Judge

Dated: May 25, 2011

The undersigned certifies that a copy of this document was served on the attorneys of record and Ida Ayers by electronic means or U.S. Mail on May 25, 2011.

s/Linda Vertriest  
Deputy Clerk